

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CR142
)
v.)
)
DAVID W. KOFOED,) ORDER
)
Defendant.) _____
)

This matter is before the Court on the appeal of the magistrate judge's order concerning defendant's request to use the results of his polygraph (Filing No. [37](#)). On June 19, 2009, the defendant filed a motion to introduce the results of his polygraph tests (Filing No. [16](#)). On July 14, 2009, the magistrate judge entered an order in which he denied the defendant's motion.

Pursuant to 28 U.S.C. § 636(b)(1)(A), this Court reconsiders the motion when it is shown that the magistrate judge's order "is clearly erroneous or contrary to law." Pursuant to that standard, the Court has reviewed the motion, the order of the magistrate judge, the respective briefs of the parties, and finds that the magistrate judge's order is neither clearly erroneous or contrary to law and, therefore, should be affirmed. Accordingly,

IT IS ORDERED that the order of the magistrate judge denying use of the defendant's polygraph results is affirmed.

DATED this 20th day of August, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court